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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Washington D.C. 20231

In re application of:

MURRAY E. STANLEY, JR.

Serial No.: 08/292,286

Filed: August 18, 1994

For: COMBINATION WARNING FLAG
AND STORAGE BAG

Patricia Faison-Ball

Office of Petitions

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RENEWED PETITION UNDER 37 CFR 1.137(b)

Mail Stop Petitions Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Decision on Petition mailed April 30, 2004, Applicant hereby requests reconsideration in light of the enclosed Declaration of Murray E Stanley, Jr. and the following argument.

This Request is being filed along with a request for a 2 month extension of time under 37 CFR 1.136(a) along with a check in the amount of \$210.00 to cover the applicable fee.

REMARKS

The Petition to Revive filed April 16, 2004 for the above application was Dismissed because that Petition was held to have not made an adequate showing that the delay in filing the Petition was

unintentional. Applicant submits that through the present request, Applicant has met its burden in that regard and that the application be revived.

The Notice of Abandonment for the above-captioned application was mailed July 8, 1996. Applicant did not become aware of the abandonment until at the earliest October of 2003. Please see enclosed Declaration of Murray E. Stanley, Jr. From this Declaration, it is clear that the applicant in this case was unaware that the application had become abandoned and, indeed, believed that a patent had been granted. For those of us who are involved in the patenting process every day, it may be difficult to put ourselves in the shoes of someone who has no experience with the process. However, those who are unfamiliar with the process typically have very little conception of the status of the application. Therefore, it is not unreasonable that a person such as the Applicant in this case would believe that his prior filings would secure a patent.

Further supporting Applicant's contention that he was not aware of the abandonment until October 2003 is that the Notice of Abandonment was mailed to Dennis H Lambert & Associates (hereinafter "Lambert") after Lambert had Petitioned to withdraw as attorneys of record on April 16, 1996, which was denied by the Office on May 16, 1996.

Therefore, other than the long amount of time between the abandonment and knowledge of the abandonment by Applicant, there is nothing in the record which would support that the delay was anything other than unintentional. From July 1996 to October 2003 is just over seven years. Although those of us familiar with the patenting process would typically seek to verify the status of an application many times over during that period, one cannot hold those unfamiliar to the process to that same standard. Regardless that some applications may take seven years to prosecute, the issue is really whether the Applicant's delay was intentional, and the Office is simply not equipped

to verify Applicant's statement that the delay was unintentional.

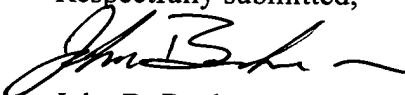
Regarding the time between knowledge of the abandonment and the filing of the initial Petition in April of 2004, it is important to note that the decision whether or not to undertake the task of preparing a revival petition along with the required response is not an easy decision to make. One must balance the likelihood of success against the costs involved. In other words, one who has no intent to abandon his application is still forced to deal with the fact that abandonment has occurred and that revival entails effort, expense, and risk. In the present case, it takes time to obtain information including the file wrapper from what is and continues to be a secret application because no publication has been made, determine whether an acceptable response is possible, estimate the cost of such a response, decide on pursuing a response, prepare formal drawings and prepare a responsive amendment. This occurred in only about six months between October 2003 and the Petition filed in April 2004. Applicant submits that this indicates diligence on its face.

Regarding the amount of time between the first Petition and a grantable petition, please note that the present Petition is being filed within the period of response to the Decision on Petition plus a two month extension under 37 C.F.R. 1.136(a).

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petitions Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 27, 2004 by John D. Buchaca, Reg. No. 37,289.

Signature: John D. Buchaca
Date: August 27, 2004

Respectfully submitted,



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